IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6317 OF 2006

MR. VAIJANATH GOVINDRAO KAKURLE ... PETITIONER.

VS.

PEOPLES EDUCATION SOCIETY AND ORS. ... RESPONDENTS.

MR. S.D.DIGHE FOR THE PETITIONER.

MR. R.V.GOVILKAR FOR RESPONDENTNOS. 1 AND 2.

MR. CHINCHLIKAR AGP FOR THE RESPONDENT NOS. 3 & 6.

....

CORAM : A.P. DESHPANDE, J.

DATE : January 18, 2007.

.....

P.C.

1. The learned Counsel for the Petitioner seeks permission to withdraw the petition with liberty to approach the Deputy Director of Education by making a representation, claiming benefit of the past service rendered by the petitioner in Siddharth, Arts Science and Commerce College, Anand Bhavan, Fort, Mumbai, by submitting that the termination of the petitioner has been occasioned on account of the reduction in the workload and the same is not on account of any fault on the part of the petitioner.

2. The learned Counsel for the Petitioner submits

that if his past service is counted that would be in furtherance of cause of justice to avoid hardship to the petitioner. It is also submitted that the Petitioner would be moving an application for condonation of break in service.

3. In the facts of the present case, I feel that if law permits, a sympathetic view of the matter need to be taken while considering the representation, which the petitioner proposes to make before the Deputy Director for continuation of the service.

4. In this view of the matter, the petition is allowed to be withdrawn, with liberty to the Petitioner to make a representation before the Deputy Director for continuation of service , making a prayer for counting his past service with condoning the break in service. The Deputy Director of Education shall consider the said representation as early as possible. As such, nothing survives in the petition, the petition is accordingly disposed of, as withdrawn.

....

[A.P.Deshpande, J.]